

REMARKS***Summary***

Claims 1-3, 9-10, 29-32, 35, 39-44, 48-64, 70-93, 113 and 125-127 have been canceled hereby without prejudice or disclaimer. Claims 103, 104 and 107 are amended herein. Claims 152-196 are added hereby. Applicant contends the amendments are supported by the Specification as filed.

Claim Rejections Under 35 U.S.C. § 112

Claims 103-108, 112 and 113 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Office Action, page 2, second paragraph. In particular, the Office Action asserts that the clause, “wherein each of the links is associated with a single one of the digital information blocks,” is not taught or supported in Applicant’s original specification. Office Action, page 2, third paragraph. Claim 113 is canceled, thereby mooting the rejection as to that claim. Applicant respectfully traverses as to the remaining claims.

Applicant makes clear with reference to Applicant’s Figure 6 that links may be associated with digital information blocks in a one-to-one relationship. Applicant provides , “For example, all medical images sent to a particular physician’s mail box advantageously may be shown in a consolidated listing sorted on the bid price offered for the reading and the date-time the EMR containing the EMI is received by the CHC 200, as shown in greater detail in Fig. 6. . . . Preferably, the contents of the PBQs and PMBs are pointers, links or shortcuts to the actual EMRs containing the respective EMIs, which preferably are stored in RAID memory within or attached to CHC 200.” Substitute Specification, page 38, first full paragraph. In context, it is thus clear that the sorted listing is a set of links, with each link pointing to a single electronic medical record. Also, as shown in Figure 6, the links correspond to individual document control

numbers and individual document control numbers are associated with individual electronic medical images.

This one-to-one relationship is further discussed with reference to changing a priority of a digital information block. The Specification provides, “The operating software of the CHC 200 then places the Document Control Number corresponding to the patient's EMR in the appropriate Patient Bid Queue (PBQ) or Provider Mail Box (PMB).” Substitute Specification, page 41, second paragraph. The Specification further provides, “When the patient's corresponding EMR on CHC 200 is updated with the new bid price, the DCN for the patient's EMR would move from its current position to the bottom of the newly selected one of the PBQs.” Substitute Specification, page 42, second paragraph. Thus, it can be seen that using the document control numbers as links, each link is associated with a single digital information block.

The Office Action quotes two portions of Applicant's Substitute Specification to support its assertion that each link must be linked to plural electronic images. Office Action, page 2, fourth and fifth paragraphs. The first quote, appearing at page 26, first two lines of the Substitute Specification, states, “Within the RAMIX Clearing House Computer are located Patient Bid Queues (PBQs), which contain a pointer or link to patient electronic medical images.” Applicant acknowledges that this language could have been written more clearly. However, in the context of the Substitute Specification and in review of the Figures, it is clear that there is no intention that a pointer be linked to multiple targets.

The second quote, appearing at page 27, first three lines of the Substitute Specification, states, “The RAMIX system and operating method according to the present invention advantageously would include Physician Mail Boxes, which stores links, i.e., pointers, to electronic medical images (EMIs) arranged in fee amount order . . .” Applicant contends that it is a misinterpretation of this quote to assert that it requires a pointer to be linked to plural electronic images. Applicant contends that this plural (links) to plural (images) recitation is analogous to someone saying that their website has a list of links (plural) to favorite websites (plural). The common understanding of such a statement would be that there would be a list of URLs and each URL would point to a single website, not that any one URL would point to several websites. Applicant thus contends that this quote, read in the context of the Specification

and in conjunction with the Figures, should not be interpreted as meaning that individual pointers link to plural electronic images.

The Office Action further asserts, “However, since the specification never invokes or otherwise defines the term ‘information block’, and since distinct plural images would only suggest plural information blocks, the disclosure only suggests a link to plural information blocks, not a link to a single information block.” Office Action, page 2, last line to page 3, first three lines. Applicant first notes that Applicant’s Substitute Specification, which is fully supported by the original filing, invokes “digital information block” on numerous occasions. However, even in the absence of such an invocation, terms are to be given their plain meaning unless the plain meaning is inconsistent with the specification. MPEP § 2111.01.

Applicant further notes that examples of digital information blocks are provided within the Specification. For example, compare page 15, first paragraph of the Substitute Specification stating, “wherein each of the digital information blocks includes an indicia of the priority one of the first users attaches to an associated one of the digital information blocks” with the Abstract stating “where each of the electronic medical images contains an indicia, e.g., bid price, of the priority attached to it by a patient.” Applicant contends that it is clear that an electronic medical image is an example of a digital information block.

In view of the foregoing, Applicant contends that it has shown that the inventor, at the time the application was filed, had possession of the subject matter “wherein each of the links is associated with a single one of the digital information blocks.” Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, and allowance of claims 103-108 and 112-113.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 9, 10, 29-31, 35, 39-44, 48-58, 60-64, 70-76, 79-87, 89-93, 125 and 127 were rejected under 35 U.S.C. § 102(b) as being anticipated by Silverman, et al. (U.S. Patent No. 5,136,501).

Applicant has canceled claims 1, 3, 9, 10, 29-31, 35, 39-44, 48-58, 60-64, 70-76, 79-87, 89-93, 125 and 127 without prejudice or disclaimer, thereby mooting the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 2, 32, 77, 78 and 126 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverman, et al.

Applicant has canceled claims 2, 32, 77, 78 and 126 without prejudice or disclaimer, thereby mooted the rejection.

New Claims

Claims 152-196 are added hereby. Applicant notes that claims 152-165 depend from claim 103 and are thus allowable for at least the same reasons as claim 103. Applicant notes that claims 166-177 depend from claim 107 and are thus allowable for at least the same reasons as claim 107. Applicant further contends that new claims 178-196 contain elements not found in the cited references similar to arguments previously presented with respect to claims 103 and 107, and are thus allowable for such reasoning. Applicant thus respectfully requests entry and examination of new claims 152-196.

RESPONSE TO NON-FINAL OFFICE ACTION

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Serial No. 09/439,343

Attorney Docket No. 236.003US02

Title: SYSTEMS FOR RECEIVING AND FORMING MARKETPLACES FOR WORKING ON DIGITAL INFORMATION BLOCKS

CONCLUSION

Claims 1-3, 9-10, 29-32, 35, 39-44, 48-64, 70-93, 113 and 125-127 have been canceled hereby. Claims 103, 104 and 107 are amended herein. Claims 152-196 are added hereby. Claims 103-108, 112 and 152-196 are currently pending.

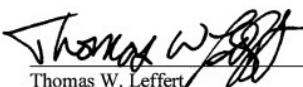
In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

Please deem this a petition for extension of time if necessary to maintain pendency of this patent application. Please charge any additional fees necessary to maintain pendency of this patent application or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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